



Public Workshop
Landscape Irrigation
Deadline: 6/26/08 by 12 p.m.

COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

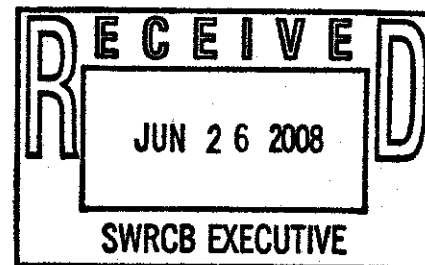
1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-3422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

June 26, 2008

Via Electronic Mail and U.S. Mail

Ms. Tam Doduc, Chair
and Members of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
Attention: Jeanie Townsend, Clerk to the Board



Dear Chair Doduc and Members of the Board:

Comment Letter - Landscape Irrigation General Permit

The County Sanitation Districts of Los Angeles County (Districts) appreciate the opportunity to provide comments regarding the State Water Resources Control Board's (State Board's) Project Discussion Paper on the Statewide General Permit for Landscape Irrigation Uses of Recycled Water (General Permit). As background, the Districts provide for the wastewater and solid waste management needs of over five million people in 78 cities and unincorporated areas within Los Angeles County. As part of that program, the Districts operate ten water reclamation plants that currently provide some 94,000 AFY of recycled water to over 530 sites for a variety of uses, including landscape irrigation, agricultural irrigation, industrial processing, environmental enhancement, and groundwater recharge. Since the inception of our program in 1962, we have delivered over 2 million acre-feet of recycled water.

The Districts are strongly supportive of issuance of a general permit for landscape irrigation of recycled water. Such a permit, if properly crafted, will expedite permitting for such uses and contribute to increased usage of recycled water to offset increasingly scarce potable water supplies. To help guide the State Board in development of the permit, we are providing the general and specific comments listed below, based on our extensive experience in operating a recycled water program.

General Comments on the Scope of the General Permit

We recommend that several guiding principles be used to construct the General Permit. First, as the State Board moves forward on development of the General Permit it is important to keep in mind the intent of Assemblymember De La Torre in sponsoring Assembly Bill 1481, the legislation that required development of the General Permit. As reiterated by the Assemblymember at the June 19, 2008 workshop on the General Permit, his intent is to simplify the permitting process for landscape irrigation with recycled water and thus expedite such permitting.

Second, we recommend that provisions to protect public health in the General Permit be strictly aligned with the provisions in Title 22. The California Department of Public Health (CDPH) is charged with ensuring that public health is protected during recycled water usage. CDPH staff are experts in public health protection, and have invested considerable resources in developing appropriate regulations for recycled water usage. It would not be appropriate for State Board staff to attempt to override these regulations by making them more or

less stringent. As an example of a means to incorporate Title 22 regulations for the protection of public health into the General Permit without making these regulations more or less stringent, the State Board can look to California Regional Water Quality Control Board, San Francisco Region Order 96-011, General Water Reuse Requirements for Municipal Wastewater and Water Agencies (San Francisco General Permit) as a template. Under the San Francisco General Permit, producers of recycled water submit a report as part of their permit application that describes their program and how it complies with Title 22 requirements.

Third, in terms of protection of water quality, we strongly recommend that the General Permit not become an NPDES permit. This would not accomplish the goal of encouraging recycled water usage, but would rather serve to strongly discourage such usage. Coverage under an NPDES permit imposes certain liabilities that recycled water users may not be willing to incur, such as susceptibility to third party lawsuits. Furthermore, we believe that recycled water used for irrigation should be regulated in a manner consistent with potable water used for such applications. Runoff of recycled water from an irrigation site would be expected to be similar in character to runoff of potable water from the site, with the primary pollutants present being those picked up during passage through the site such as bacteria from animal waste, fertilizers, and pesticides. The existing structure for regulating runoff of potable water from irrigation sites should be applied to regulation of recycled water from such sites. In areas where Municipal Separate Storm Sewer System (MS4) permits are in place, these permits should be revised to provide coverage of runoff from recycled water landscape irrigation sites. In areas where MS4 permits are not in place, runoff from sites irrigating with recycled water should be addressed in a holistic manner consistent with runoff from sites irrigating with potable water.

Notwithstanding these recommendations, if the State Board finds it necessary to issue an NPDES permit for runoff from recycled water landscape irrigation sites it should ensure that the stringency of the NPDES permit accurately reflect the risks from recycled water usage. In most cases, recycled water is treated to standards suitable for discharge to surface waters. In these cases, the recycled water running off an irrigation site would already have been found suitable for discharge to surface waters, exclusive of any pollutants added during usage that would have been added regardless of whether potable or recycled water is used. The State Board has considerable flexibility in setting the terms of any NPDES permit that would be issued, as such permits can range in stringency from minimal requirements, such as under the United States Environmental Protection Agency's (U.S. EPA's) tentative General Permit for Discharges Associated with Recreational Vessels, to extensive requirements as are typically found in NPDES permits for Publicly Owned Treatment Works (POTWs) in California. Because the risk from runoff of recycled water used for landscape irrigation is typically no greater than the risk from using potable water for the same applications, the stringency of any NPDES permit issued should be similar to that for an NPDES permit that would be issued if potable water was used.

Input on Key Issues and Questions

What uses of recycled water should be considered "landscape irrigation" uses?

All irrigation uses of recycled water except agricultural uses should be included as "landscape irrigation" uses. This includes irrigation of parks, playgrounds, schools, golf courses, cemeteries, roadside landscaping, and landscaping at residential, commercial, industrial, and municipal establishments. The General Permit should also provide coverage for small impoundments within irrigated areas, such as ponds at golf courses. These small impoundments are typically part of the landscaping and generally pose no threat to water quality. Additionally, these impoundments serve an important role to increase the amount of recycled water that can be used from POTWs. Maximum demand for landscape irrigation recycled water occurs in the middle of the night, when production of recycled water at POTWs is lowest. When no storage, such as that offered by impoundments, is available, recycled water usage is capped at the minimum, late-night production rate. When storage is available, recycled water can be brought to a site during the day when water is available then used for irrigation at night.

Who should be eligible for coverage under the General Permit (e.g., producer, distributors, users, etc.?)

We recommend that if a producer or major distributor of recycled water has obtained coverage under the General Permit, that it not be necessary for individual users to separately enroll in the permit to obtain coverage. Requiring each individual user to enroll in the permit to obtain coverage would pose an additional burden on the user that would likely discourage their usage of recycled water. Furthermore, due to the large number of individual users, requiring individual users to separately enroll to obtain coverage would impose an administrative burden on the State Board that is not warranted by any additional water quality protection it would provide. It would significantly increase costs, which would in turn increase the cost of obtaining a permit and thus

further discourage recycled water usage. Rather, coverage under the General Permit should be extended to individual users as long as the producer or distributor for the site has coverage. Such coverage should be extended regardless of whether the producer or distributor has an individual contractual relationship with each site. For example, the Districts do not have individual contracts with each of their over 500 recycled water users. Rather, we have some two dozen contracts with distributors and with a limited number of users that purchase recycled water directly from us. To ensure adequate oversight of individual users, provisions can be placed in the General Permit that are similar to those in Master Permits such as requiring inspections of end users by producers/major distributors.

What are appropriate eligibility "criteria" and why?

Coverage should be open to all producers and major distributors of recycled water for landscape irrigation. Coverage should not be contingent on current compliance with existing recycled water permits, because some of these permits have not been updated in over a decade and thus contain outdated provisions (for examples, recycled water permits that are still based on the 1978 version of Title 22). If the State Board believes that it is necessary to use compliance as an eligibility criterion, the compliance comparison should be made with the terms of the General Permit, not with existing recycled water permits.

Should certain areas be excluded from eligibility (e.g., wetlands, vulnerable surface waters, or unique public resources such as Lake Tahoe Basin or the California Coastal Zone)?

There should be no areas of exclusion under the General Permit, but rather additional restrictions should be placed on recycled water usage in areas where such additional restrictions are warranted. For example, in Coastal Zones the key concern is pathogens, which may impact the health of beachgoers. In these areas, a requirement to use the most highly disinfected classification of recycled water (tertiary disinfected recycled water) could be considered. Where nutrients are of concern, a requirement that best management practices for nutrients be implemented could be considered. It should be noted that proper use of recycled water could result in reduced nutrient runoff, because the nutrient content of recycled water reduces the need for addition of chemical fertilizers.

What other potential benefits of recycled water used for landscape irrigation should the State Water Board take into consideration?

Another potential benefit of recycled water usage is a reduction in greenhouse gas production. This benefit goes hand-in-hand with a reduction in energy usage, and is particularly important for southern California, where recycled water usage replaces usage of energy-intensive imported water.

Recycled water concerns

The Project Discussion Paper states that, if not fully treated, domestic wastewater may contain pathogens harmful to humans. While this is certainly true, it is the role and responsibility of CDPH, not the State Board, to ensure that pathogen requirements are adequate to protect human health. It is important to keep in mind that California has the strictest disinfection requirements for recycled water in the nation.

How should the General Permit address emerging contaminants?

The science related to emerging contaminants is rapidly evolving. To date, research results have indicated that there are no significant risks to human health expected from the concentrations of pharmaceuticals and endocrine disruptors known to be present in drinking water. Additionally, natural attenuation processes are expected to reduce concentrations of some pharmaceuticals and endocrine disruptors after recycled water enters the environment. Research has indicated that many pharmaceuticals and endocrine disruptors break down as they migrate through the subsurface into groundwater, and further research on this issue specific to landscape irrigation of recycled water is ongoing. Formation of an expert panel to determine any appropriate emerging contaminant monitoring requirements for landscape irrigation should be considered. Any such monitoring requirements should be placed on the producers and major distributors of recycled water, rather than on end users. This will help with economies of scale, since the recycled water served from one producer or major distributor to all users will be of similar quality. As necessary, any groundwater monitoring for emerging contaminants should be done through a regional monitoring plan.

What considerations should be included in the General Permit regarding application of State Water Board Resolution No. 68-16 (the "anti-degradation" policy)?

Any anti-degradation considerations should be addressed at the producer/major distributor level, not at the individual use site level. As necessary, an initial analysis such as a mass balance should be performed to determine if there is a reasonable possibility that significant degradation will occur. If none is indicated, no further analysis should be necessary and the project should be found to be consistent with State Board Resolution No. 68-16. If a reasonable possibility of significant degradation is indicated from an initial analysis, then a more thorough analysis may be warranted.

Which recommendations in "Water Recycling 2030" by the Recycled Water Task Force (June 2003) should the General Permit implement and how?

The General Permit should address Recommendation 4.2.1, with respect to incidental runoff. In particular, the State Board should investigate, within the current legal framework, whether there is a less burdensome regulatory mechanism to address incidental runoff than is currently being applied in California. The General Permit should also address Recommendation 4.3.4, with respect to determining whether regulatory approaches used in Florida should be adopted in California. Florida regulations allow extensive water recycling to take place without unreasonable impediments. Areas where California regulations are more stringent than Florida requirements should be investigated to determine if the more stringent requirements are necessary.

How should the General Permit address persons currently subject to the various Regional Water Board authorizations for "landscape irrigation uses" of recycled water? What is an appropriate way for the General Permit to interface with existing and future master reclamation permits?

Producers and major distributors of recycled water should be able to obtain coverage under the General Permit for recycled water landscape irrigation regardless of their existing type of water recycling permit (Master Permits, WRRs, etc.). If landscape irrigation is the only recycled water use covered under their existing permit, the existing permit would cease to apply once coverage is obtained under the General Permit. If other recycled water uses, such as industrial uses, are covered under their existing permit, portions of the existing permit applicable to recycled water landscape irrigation would no longer apply once coverage under the General Permit is obtained.

Closing

To ensure a well-written General Permit that maximizes the potential to use recycled water for landscape irrigation while being protective of water quality and public health, it is essential that the State Board work closely with stakeholders throughout the development process. We are very pleased with the current opportunity to provide comments regarding the scope of the General Permit, and hope that such opportunities for comment will continue. If you have any questions about this letter or require additional information, please contact Ray Tremblay at 562/908-4288, extension 2801, rtremblay@lacs.org, or Ann Heil at 562/908-4288, extension 2803, ahheil@lacs.org.

Very truly yours,

Stephen R. Maguin



Philip L. Friess
Department Head
Technical Services Department

PLF:ATH:lmb